

EXHIBIT

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

C.A.NO. 09-11705-NG

JONATHAN GREEN)

Plaintiff.)

v.)

CITY OF BOSTON; EDWARD DAVIS, in his)
capacity as CHIEF OF THE BOSTON POLICE)
DEPT; TIMOTHY MCCARTHY, individually)
and in his official capacity as an Employee,)
Agent, and/or Officer of the BOSTON POLICE)
DEPARTMENT)

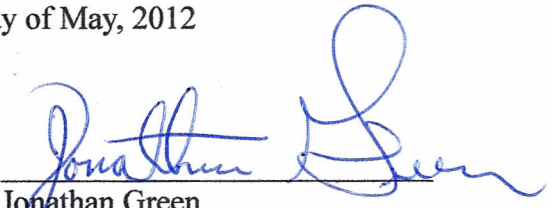
Defendants.)

AFFIDAVIT OF JONATHAN GREEN

1. My name is Jonathan Green, and I am the Plaintiff in this case.
2. I have filed a civil action, against Officer Timothy McCarthy, alleging that after I was placed under arrest, and in handcuffs, he slammed my head up against a cruiser.
3. I made this same allegation to the Boston Police Internal Affairs Department, when I filed an internal affairs complaint against him.
4. I made this same allegation in my answers to interrogatories, which were served on me by the Lawyers for the Defendants.
5. I made this same allegation in my deposition testimony.
6. I have been made aware, that a Motion for Summary Judgment has been filed, claiming, among other things, that I testified, that I don't know who slammed my head against the cruiser. This claim is preposterous.
7. First of all, and as an initial matter, my head was slammed against the cruiser. There is no dispute about that.
8. Secondly, the only person that was acting aggressively towards me that day was Officer McCarthy.

9. Thirdly, at the instant before my head was slammed into the cruiser, I knew exactly the positioning of the three officers, who were inches away from me. In specific, the female officer was immediately to my left, the Defendant was directly behind me, and another male officer was to my right. It was daylight, I don't drink or use drugs, as my mind was quite clear. There was no chance that I could have confused the positioning of the officers, as well as be confused about which officer did what.
10. Fourthly, and just before my head was slammed into the cruiser, I still had the benefit of peripheral vision. I can say with **100% certainty** that the female officer to my left did not take my head and slam it into the cruiser. I can state with **100% certainty** that the male officer to my right did not take my head and slam it into the cruiser. I can therefore state with **100% certainty** that it was the Defendant, Officer McCarthy.
11. Fifthly, based upon the position of the people, and the location of where my head was touched before it was slammed against the cruiser, also supports my testimony that I am **100% certain** that it was Officer McCarthy, who perpetrated this act.
12. Sixthly, when Officer McCarthy slammed my head up against the cruiser, I specifically stated to him, "I'm finally in handcuffs, why did you grab me from behind, and slammed my head and face on the car, assaulting me again?" – to which he gave no response.
13. Seventhly, after Officer McCarthy's assault upon me, I also asked the female Officer, "Was that was necessary?" to which she responded, "no".
14. It would seem that if Officer McCarthy was not the perpetrator, not only would he have denied my accusation (which he didn't), but the female officer would have also denied my accusation (which she didn't).
15. I must admit that I do not have eyes in the back of my head, and so yes, the City of Boston is correct that I did not actually see Officer McCarthy perpetrate this act. But just because you don't see something directly, doesn't mean you don't have proof, or circumstantial evidence to support it. I have my peripheral vision, and the sense of touch, as well as the principle of inference to support my claim (meaning, if I saw two officers out of the three, and I know it wasn't them, well there is only one officer which remains).
16. The reason why I state it's preposterous to suggest that I don't know who slammed my head against the cruiser is because I was there, and this happened to me. Let them cross-examine me, and then argue to a jury that I can't say with **100% certainty** that it was Officer McCarthy.

Signed under the pains and penalties of perjury this 30th day of May, 2012


Jonathan Green